

## 7A Am. Jur. 2d Automobiles § 60

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### Automobiles and Highway Traffic

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### III. Licensing, Taxation, and Registration

#### A. Vehicles

#### 2. Power to License or Tax

##### a. Power of State, in General

## § 60. Power of state to license or tax, generally

[Topic Summary](#) | [Correlation Table](#) | [References](#)

### West's Key Number Digest

West's Key Number Digest, [Automobiles](#)  22 to 27, 66 to 72

Motor vehicle registration is a traditional government function.<sup>1</sup>

Because the operation of a motor vehicle is a privilege,<sup>2</sup> the legislature of each state may, in the exercise of the police power, enact reasonable regulations requiring the licensing or registration of motor vehicles,<sup>3</sup> including the private motor carriers of property,<sup>4</sup> and public or common<sup>5</sup> carriers of persons or property. Under some state constitutions, the imposition of licensing or registration fees under the police power will be upheld by the courts when plainly intended as police power regulation, so long as the revenue derived is not disproportionate to the cost of issuing the license and regulating the business to which it applies.<sup>6</sup>

The state may also impose such a fee or tax for revenue purposes,<sup>7</sup> such as constructing and maintaining the public highways.<sup>8</sup> A fee or tax imposed for revenue purposes is not limited to the cost of administering the law.<sup>9</sup>

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### Footnotes

<sup>1</sup> [Prairie Band Potawatomi Nation v. Wagnon](#), 476 F.3d 818 (10th Cir. 2007) (applying Kansas law).

- 2 Grimes v. Alfa Mutual Insurance Company, 2017 WL 382294 (Ala. 2017); Burke v. Board of Appeal on Motor Vehicle Liability Policies and Bonds, 90 Mass. App. Ct. 203, 58 N.E.3d 351 (2016), review denied, 476 Mass. 1101, 63 N.E.3d 386 (2016).
  - 3 Ex parte Schuler, 167 Cal. 282, 139 P. 685 (1914); State v. Gish, 168 Iowa 70, 150 N.W. 37 (1914); State v. Folda, 267 Mont. 523, 885 P.2d 426 (1994); People v. McClean, 167 Misc. 40, 3 N.Y.S.2d 314 (N.Y. City Ct. 1938); State v. Booher, 978 S.W.2d 953 (Tenn. Crim. App. 1997).
  - 4 Continental Baking Co. v. Woodring, 286 U.S. 352, 52 S. Ct. 595, 76 L. Ed. 1155, 81 A.L.R. 1402 (1932).
  - 5 Ex parte Schuler, 167 Cal. 282, 139 P. 685 (1914); Ex parte Kessler, 26 Idaho 764, 146 P. 113 (1915); Iowa Motor Vehicle Ass'n v. Board of R.R. Com'rs, 207 Iowa 461, 221 N.W. 364, 75 A.L.R. 1 (1928), aff'd, 280 U.S. 529, 50 S. Ct. 151, 74 L. Ed. 595 (1930); State v. Lawrence, 108 Miss. 291, 66 So. 745 (1914); Camas Stage Co. v. Kozer, 104 Or. 600, 209 P. 95, 25 A.L.R. 27 (1922); Memphis St. Ry. Co. v. Rapid Transit Co., 133 Tenn. 99, 179 S.W. 635 (1915).
  - 6 Merrelli v. City of St. Clair Shores, 355 Mich. 575, 96 N.W.2d 144 (1959).
  - 7 Mark v. District of Columbia, 37 App. D.C. 563, 37 L.R.A.N.S. 440, 1911 WL 20154 (App. D.C. 1911); Ex parte Schuler, 167 Cal. 282, 139 P. 685 (1914); Ex parte Kessler, 26 Idaho 764, 146 P. 113 (1915); City of Chicago v. Morell, 247 Ill. 383, 93 N.E. 295 (1910).
  - 8 Ex parte Schuler, 167 Cal. 282, 139 P. 685 (1914); Ex parte Kessler, 26 Idaho 764, 146 P. 113 (1915); State ex rel. Metropolitan Thoroughfare Authority of Marion County v. Nutting, 246 Ind. 105, 203 N.E.2d 192 (1964); Iowa Motor Vehicle Ass'n v. Board of R.R. Com'rs, 207 Iowa 461, 221 N.W. 364, 75 A.L.R. 1 (1928), aff'd, 280 U.S. 529, 50 S. Ct. 151, 74 L. Ed. 595 (1930); State v. Lawrence, 108 Miss. 291, 66 So. 745 (1914).
  - 9 Kane v. Titus, 81 N.J.L. 594, 80 A. 453 (N.J. Ct. Err. & App. 1911), aff'd, 242 U.S. 160, 37 S. Ct. 30, 61 L. Ed. 222 (1916).
- As to the nature of a licensing or registration fee or tax, generally, see §§ 71 to 80.

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